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Sensitive But Unclassified--Handle Accordingly
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SUBJECT: Southern Election Tribunals

¶1. (SBU) Summary: Election Tribunals in southern states are rejecting challenges to their jurisdiction and affirming rights granted petitioners under the Electoral Act. Nonetheless, Governors elected in Nigeria's deeply flawed April 14 election continue to use every means the law allows to assure that they stay in power. End Summary.

Ekiti: Governor Appeals Election Tribunal Ruling

¶2. (SBU) Action Congress (AC) candidate Kayode Fayemi submitted a petition requesting the Election Tribunal void Governor Oni's victory and declare Fayemi the victor. The Tribunal in Ado-Ekiti granted Fayemi the right to invite forensic and handwriting experts to inspect election materials. Governor Oni objected to this ruling and will request the Federal Appeals Court to review the Tribunal's decision. (Comment: Contacts tell us the Electoral Act empowers the Tribunals to decide whether to allow forensic experts. End Comment.)

Oyo: Security Agents Shun Tribunal

¶3. (SBU) In July, the Election Tribunal was reportedly moved to a military barracks compound to help mitigate external influences and lower Tribunal-related violence and intimidation. The Police Commissioner, INEC Resident Commissioner, and Director of the State Security Service (SSS) have ignored the Tribunal's order to appear and testify. Lawyers to All Nigeria People's Party (ANPP) candidate Abiola Ajumobi, who requested the elections be annulled due to mass vote rigging, have complained that the Tribunal failed to compel the three officers to appear. (Comment: If these officials fail to present testimony rebutting Ajumobi's evidence, the court presumably must find in Ajumobi's favor on those elements of the case. End Comment).

Ondo: Tribunal Rejects Jurisdiction Challenge

¶4. (SBU) In Ondo State, the Election Tribunal threw out Governor Agagu's objection to AC candidate Ademola Adegoroye's petition. Agagu contended that the Tribunal lacked jurisdiction to address aspects of the petition dealing with election-related issues not arising from April 14 election-day events. The Tribunal affirmed that the Electoral Act empowers it to address issues arising either before, during, or after the election took place.

Lagos: Agbaje Goes to Court of Appeals

¶5. (SBU) The Democratic People's Alliance (DPA) governorship

candidate in Lagos, Jimi Agbaje, has taken his case to the Federal Appeals Court to challenge the Election Tribunal's July 24 dismissal of his petition against Governor Fashola of the AC. Agbaje has alleged a "miscarriage of justice," claiming the Election Tribunal did not offer him a fair hearing. No date has been set for the Appeal Court hearing.

Comment

[16](#). (SBU) There is surprisingly little news coverage of what is happening in the Tribunals. Despite the hard fought battles over technicalities and procedural issues, there have been few allegations of judicial bias regarding the Tribunals' rulings. While there is plenty of evidence as to the flaws in the April 14 election process, opposition candidates must prevail against numerous arguably dilatory maneuvers before getting the opportunity to make their substantive case. End Comment.

McConnell